

SO ORDERED.



**TIFFANY & BOSCO**  
P.A.

Dated: May 27, 2010

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09-29635

  
CHARLES G. CASE, II  
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE:

Garry Edward Musselman and Lisa Ann Musselman  
Debtors.

Wells Fargo Bank, N.A.

Movant,

vs.

Garry Edward Musselman and Lisa Ann  
Musselman, Debtors; Russell A. Brown, Trustee.

Respondents.

No. 2:09-bk-29382-CGC

Chapter 13

(Related to Docket #25)

**ORDER APPROVING  
STIPULATION REGARDING  
MOTION FOR RELIEF**

IT IS HEREBY ORDERED by and between the parties herein, through counsel undersigned, that all stays and injunctions, including the automatic stays under U.S. Bankruptcy Code Section 362(a), are hereby vacated with respect to the real property which is the subject of the Deed of Trust recorded in the records of the Maricopa County, Arizona Recorder's Office, wherein Garry Edward

1 Musselman and Lisa Ann Musselman, are designated as trustors and Wells Fargo Bank, N.A. is the  
2 current beneficiary, which Deed of Trust encumbers the following described real property:

3 Lot 43, of SONORA, according to the Plat of Record in the office of the County Recorder of  
4 Maricopa County, Arizona, recorded in Book 428 of Maps, page 15.

5 IT IS FURTHER ORDERED that the debtors will cure the post-petition arrearages through  
6 the Chapter 13 plan currently due as follows:

7 3 Monthly Payments(s) at \$2,246.24	\$6,738.72
(March 1, 2010 - May 1, 2010)	
8 3 Late Charge(s) at \$98.90	\$296.70
(March 1, 2010 - May 1, 2010)	
9 Motion for Relief Filing Fee	\$150.00
Attorneys Fees	\$800.00
10 Suspense Amount	(\$358.63)
11 Total	\$7,626.79

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13 2. In addition to the payment listed in Paragraph 1, the Debtors, will make the regular  
14 post-petition payments outside the Chapter 13 plan, due for June 1, 2010, which shall be made when  
15 due, and all subsequent payments shall be made when due.

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17 IT IS FURTHER ORDERED that Wells Fargo Bank, N.A. as the current beneficiary under  
18 the above described Deed of Trust agrees not to conduct a Trustee's Sale or judicial "foreclosure" on  
19 its Deed of Trust, so long as the terms of this Order are complied with. In the event of default in  
20 making any payments described herein Secured Creditor is permitted, in its discretion, to conduct a  
21 Trustee's Sale, judicial foreclosure, or take whatever other actions necessary to protect their interest  
22 in the above legally described property upon giving written notice of such default to debtors, Debtors'  
23 Counsel and Trustee and Debtors' failure to cure such default within fifteen (15) days of the date of  
24 such notice. In the event said default is not cured within said fifteen (15) day period, all arrearages,  
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1 both pre-petition and post-petition shall become immediately due and payable in full and pre-petition  
2 arrearages shall not continue to be payable under the terms of the Plan.

3 IT IS FURTHER ORDERED that if a default notice becomes necessary, Debtors will be  
4 charged \$150.00 for fees and costs associated with handling the curing of the default, to be paid  
5 together with the defaulted payment and late charge. Debtors shall tender the default payment, late  
6 charge and the additional \$150.00 fee for attorney's fees and costs, as set forth above, in the form of a  
7 cashier's check or money order, made payable to Movant. If the defaulted payments are not received  
8 by Movant, together with the late charge and the \$150.00 default fee, within fifteen days after the  
9 default notice was sent, all arrearages, both pre-petition and post-petition shall become immediately  
10 due and payable in full and pre-petition arrearages shall not continue to be payable under the terms of  
11 the plan.  
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13 IT IS FURTHER ORDERED that if Debtor' Bankruptcy Case No. 2:09-bk-29382-CGC is  
14 dismissed, either voluntary or involuntary, for any reason, this Order will become null and void and  
15 Wells Fargo Bank, N.A., and after such dismissal, may, in its discretion, conduct a Trustee's Sale or  
16 judicial "foreclosure" on its Deed of Trust or take whatever other actions necessary to protect their  
17 interest in the above legally described property.  
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19 IT IS FURTHER ORDERED that in the event of conversion by the Debtor to any other  
20 bankruptcy chapter, the repayment portion of this Order shall become null and void, except that the  
21 portion of this Order vacating the automatic stay under U.S. Bankruptcy Code Section 362 (a) shall  
22 remain in full force and effect.  
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1 IT IS FURTHER ORDERED that any hearings scheduled in the matter are vacated.

2 DATED this \_\_\_\_\_ day of \_\_\_\_ 2010.

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5 UNITED STATES BANKRUPTCY JUDGE  
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